

# **JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT**

*Dale Weis, Chair; Aari Roberts, Vice-Chair; Janet Sayre Hoeft, Secretary*

THE BOARD OF ADJUSTMENT WILL MEET ON THURSDAY, SEPTEMBER 9, 2021 AT 8:45 A.M. Members of the public may attend Via Zoom Videoconference or in Room 205, Jefferson County Courthouse, 311 South Center Avenue, Jefferson, WI.

**THE BOARD OF ADJUSTMENT WILL LEAVE FOR SITE INSPECTIONS AT 9:00 A.M.**

**PETITIONERS OR THEIR REPRESENTATIVES MUST BE IN ATTENDANCE FOR THE PUBLIC HEARING AT 12:00 P.M. PETITIONERS AND MEMBERS OF THE PUBLIC MAY ATTEND THE MEETING VIRTUALLY BY FOLLOWING THESE INSTRUCTIONS IF THEY CHOOSE NOT TO ATTEND IN PERSON.**

Register in advance for this meeting:

[https://zoom.us/join/zoom/register/tJEoce6sqz4oH9MhFxYB\\_TP4Sq7MFBbifXHI](https://zoom.us/join/zoom/register/tJEoce6sqz4oH9MhFxYB_TP4Sq7MFBbifXHI)

Meeting ID 955 6745 5257

Passcode Zoning

After registering, you will receive a confirmation email containing information about joining the meeting

## **1. Call to Order-Room 205 at 8:45 a.m.**

Meeting called to order @ 8:45 a.m. by Weis

## **2. Roll Call (Establish a Quorum)**

Members present: Jaeckel, Hoeft, Weis

Members excused: Roberts

Staff: Matt Zangl, Brett Scherer, Laurie Miller

## **3. Certification of Compliance with Open Meetings Law**

Staff confirmed compliance.

## **4. Approval of the Agenda**

Hoeft made motion, seconded by Jaeckel, motion carried 3-0 on a voice vote to approve the agenda.

## **5. Election of Officers**

Hoeft made motion, seconded by Jaeckel, motion carried 3-0 on a voice vote to maintain the current positions on the Board as follows:

Dale Weis, Chair  
Aari Roberts, Vice-Chair  
Janet Sayre Hoeft, Secretary

## **6. Approval of May 27 and July 8, 2021 Meeting Minutes**

Hoeft made motion, seconded by Weis, motion carried 2-0 on a voice vote to approve the May 27, 2021 minutes. Jaeckel abstained from vote due to not being present at the meeting.

Weis made motion, seconded by Hoeft, motion carried 3-0 on a voice vote to approve the July 8, 2021 minutes

## **7. Communications**

Zangl noted how the per diums are handled was under review.

There was a brief discussion on last month's petition.

## **8. Public Comment - None**

## **9. Site Inspections – Beginning at 9:00 a.m. and Leaving from Room 203**

V1687-21 – Roxane Stillman, W8678 US Highway 12, Town of Oakland

V1690-21 – Heath & Margaret Chapman, W9446 Lake Dr, Town of Sumner

V1686-21 – Linda Kyle, N2959 Buena Vista Rd, Town of Jefferson

V1688-21 – Mike Duffek, W1398 South Shore Dr, Town of Palmyra

V1689-21 – Chris & Kris Falk, W1764 Froelich Rd, Town of Sullivan

Hearing called to order @12:00 p.m. by Weis

Members present: Weis, Hoeft, Jaeckel

Members excused: Roberts

Staff: Matt Zangl, Brett Sherer, Sarah Elsner, Laurie Miller

Weis explained procedure. The following was read into the record by Weis:

### ***NOTICE OF PUBLIC HEARING JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT***

**NOTICE IS HEREBY GIVEN** that the Jefferson County Zoning Board of Adjustment will conduct a public hearing at 12:00 p.m. on Thursday, September 9, 2021 in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. Matters to be heard are applications for variance from terms of the Jefferson County Zoning Ordinance. An AREA VARIANCE is a

modification to a dimensional, physical, locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of adjustment. A USE VARIANCE is an authorization by the board of adjustment to allow the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance. No variance may be granted which would have the effect of allowing a use of land or property which would violate state laws or administrative rules. Subject to the above limitations, a petitioner for an AREA VARIANCE bears the burden of proving "unnecessary hardship," by demonstrating that 1) strict compliance with the zoning ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose, or 2) would render conformity with the zoning ordinance unnecessarily burdensome. A petitioner for a USE VARIANCE bears the burden of proving that 3) strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. Variances may be granted to allow the spirit of the ordinance to be observed, substantial justice to be accomplished and the public interest not violated. **PETITIONERS, OR THEIR REPRESENTATIVES, SHALL BE PRESENT.** There may be site inspections prior to public hearing which any interested parties may attend; discussion and possible action may occur after public hearing on the following:

**V1686-21 – Linda M Kyle:** Variance from Sec. 11.07(d)2 of the Jefferson County Zoning Ordinance for reduced setback from a proposed shed to the public street in a Residential R-2 zone at **N2959 Buena Vista Rd** in the Town of Jefferson on PIN 014-0614-2744-015 (0.614 Ac).

This petition was not heard. Zangl noted the petitioner made some changes to their request, and they may not need a variance.

**V1687-21 – Roxane Stillman:** Variance from Sec. 11.04(f)6 of the Jefferson County Zoning Ordinance to allow more than one animal unit per acre on a A-1 zoned property. The site is at **W8678 US Highway 12** in the Town of Oakland on PIN 022-0613-1643-001 (3.49 Ac).

Roxane Stillman, W8678 USH 12, presented her petition. She explained her property and the animals. She has had the animals which were abused and/or neglected for a long time. There have been no issues with the animals, but there are too many. She asked that if she is denied that she have more time if the animals have to go.

There were no questions or comments in favor of the petition. There was a response from the town in the file noting that they did not make a recommendation which was read into the record by Weis. There was a letter of opposition in the file from Mike and Cindy Catrano which Weis read into the record.

The Board asked the petitioner how many animals and what kind of animals she has on the property. The petitioner stated there were 20 miniature ponies and donkeys. Zangl asked how many of each. The petitioner stated there were 19 miniature ponies and 1 donkey. She obtained the animals as part of a rescue out of the kindness of her heart.

Staff report was given by Zangl. This is an agricultural property of just over 3 acres which allows for 1 animal unit per acre. He further explained the animal units allowed. Right now, they are over that amount and the petitioner is requesting 20 animal units. He further explained the Town Plan Commission and Town Board decision not to act.

Zangl asked the petitioner to give the Board reasons why they should approve her request. The petitioner explained the animals were well taken care of, it was not hurting anyone to have the animals, and they were not being neglected. Hoeft asked about the 3 criteria that needed to be met. Zangl noted the application located in the file should have the information. Weis further explained the 3 criteria the Board needs to answer when making their decision.

The petitioner asked if they could grant a temporary variance until May 1<sup>st</sup> so she could have time to remove the animals. Zangl noted they could not grant a temporary variance, but she could work with Zoning staff to correct the violation if the Board would deny her petition.

Weis noted the ordinance does not distinguish between miniature horses versus horses. The hardship has to be created by the circumstances of the property and not the wishes of the petitioner.

**V1688-21 – Mike Duffek:** Variance from Sec. 11.09(e) of the Jefferson County Zoning Ordinance for deck placement at a reduced setback to a second street yard in the Town of Palmyra. The site is at **W1398 South Shore Dr** on PIN 024-0516-3311-024 (0.27 Ac) in a Residential R-1 zone.

Kristin Duffeck, W1398 South Shore Dr, presented the petition. She explained that the stairs would be coming off the deck addition that would go into the setback, but it would not be as close to the road as their garage.

Dick Natrop, W1466 South Shore Dr, Town Supervisor and a Commissioner on the Blue Spring Lake Management District Board noted that the public road down to the edge of the water has been established as a public road when the Blue Spring Lake was platted in about 1948. This would not impede access to the sanitary lift station, access for the public to get down to the water's edge, or for emergency services access. The Management District has no objection. Weis noted this also provided driveway access to other properties and lake access.

There were no questions or comments in opposition of the petition.

Hoeft asked why this was considered a substandard lot. Zangl explained it does not meet the minimum lot size requirement. The current setback requirement for a non-conforming lot allows for a 25' setback to the first street and 10' to the second street. Hoeft confirmed they were looking at a 4' setback. Zangl stated yes. A permit was issued for the house addition without the deck. The deck meets the 75' setback to the OHWM. Weis asked if they had a permit for the house addition and now they wanted to add the deck. Zangl stated that was correct.

There was a town response in the file in favor of the petition which was read into the record by Weis.

**V1689-21 – Chris and Kris Falk:** Variance from Sec 11.07(d)2 of the Jefferson County Zoning Ordinance for a porch addition at less than the required setback to Froelich Rd, Town of Sullivan. The site is at **W1764 Froelich Rd**, on PIN 026-0616-0841-000 (1.169 Ac) in an A-3, Rural Residential zone.

Chris Falk, W1767 Froelich Road, presented the petition. He noted the house has been in the family since it was built. They are having an issue with ice build-up on the front of the house. He noted there was a picture in the file of the house showing the ice build-up. They have started to remodel the house and before they get done, they want to correct this issue. To have a covered porch across the front should correct the problem. They are asking to come closer to the road by 2'. The houses in the area are much closer.

Weis asked about the proposed porch in the back. The petitioner noted it was a small deck for access. Weis explained the house was non-conforming because it was too close to the road.

In favor was Kris Falk, W1767 Froelich Road. There were no questions or comments in opposition of the petition.

Zangl gave staff report. He noted a permit was issued for the attached garage and home addition. They are now looking to add onto the house being 63' from the centerline of the road. The required setback is 85'.

There was a town response in the file from the town of no objection which was read into the record by Weis.

Jaeckel asked if this was for the roof over the deck. The petitioner noted this was a raised deck. Hoefl asked if it was for the front or back of the house or both. The petitioner stated it was for the front. They added the deck part about a week ago.

There was further discussion/clarification on what was being requested and what would be permitted.

**V1690-21 – Heath & Margaret Chapman:** Variance from Sec. 11.07(d)2 of the Jefferson County Zoning Ordinance for a deck addition at reduced road setbacks at **W9446 Lake Dr**, Town of Sumner, on PIN 028-0513-1943-009 (0.3 Ac)

Margaret Chapman, W9446 Lake Drive, presented the petition. She noted they were building a covered porch which would face the lake. There is nothing there currently, and they want an area to sit and enjoy the lake.

Hoeft asked the petitioner about the stairway access. The petitioner noted stairs going into the house will be incorporated into the deck area. Weis noted the entry door was quite a way off the ground and the petitioner stated it was 4'. Weis confirmed the square footage proposed of 10'x26', and the petitioner stated yes. Hoeft asked how much further they were coming beyond the steps. The petitioner explained and noted there are decks even closer than they are asking in the neighborhood.

There were no questions or comments in favor or opposition of the petition. There was a town response in the file approving the petition which was read into the record by Weis.

The petitioner presented letters from the neighbors to the Board.

Hoeft asked if the deck addition was not a covered porch. Elsner asked the petitioner if it was enclosed. The petitioner stated no. Elsner further explained. Zangl noted it was a deck with a roof. There is nothing there now except the steps. Hoeft noted it would not be any further than the current steps.


Zangl gave staff report. He noted this was a standard sized lot which requires a 30' ROW and 63' centerline setback. The surrounding lots are much smaller, and this lot does not qualify for reduced setbacks.

Regarding the Falk Petition, Zangl explained there is currently a small porch that they are replacing with a larger one which is raised. They are also going to do a small deck in the back which would probably fall under what would be permitted. To be safe, it can be included in today's decision but it necessarily didn't need a variance. Now that they are going through the process by doing a porch and deck, it falls together under the variance.

It was noted that the first petition on the agenda will not be heard today.

Board went into session for decisions. (See following pages & files)

Motion was made by Jaeckel, seconded by Weis, motion carried on a voice vote to adjourn @ 1:18 p.m.

  
\_\_\_\_\_  
Secretary

11.11.21  
\_\_\_\_\_  
Date

DECISION OF THE ZONING BOARD OF ADJUSTMENT  
JEFFERSON COUNTY, WISCONSIN

**COPY**

**FINDINGS OF FACT**

PETITION NO.: 2021 V1687  
HEARING DATE: 09-09-2021

APPLICANT: Roxanne V Stillman

PROPERTY OWNER: SAME

PARCEL (PIN) #: 022-0613-1643-001 (W8678 US Highway 12)

TOWNSHIP: Town of Oakland

INTENT OF PETITIONER: To keep 20? (30?) animals on a 3.49 acre parcel

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)6 OF THE  
JEFFERSON COUNTY ZONING ORDINANCE.

THE FEATURES OF THE PROPOSED CONSTRUCTION AND PROPERTY WHICH RELATE TO  
THE GRANT OR DENIAL OF THE VARIANCE APPLICATION ARE:

-Ordinance Section 11.04(f)6

-On parcels between 2 and 35 acres, 1 animal unit per acre is allowed

-See definition of animal unit

-Property is 3.49 acres, which would allow for 3 horses or cows, or 350 chickens or 35 sheep/goats

-Request is to have 20 animals units comprised of ponies, donkeys or mini-horses

-Town did not take action on the variance

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Site inspections  
conducted. Observed property layout & location.

FACTS PRESENTED AT PUBLIC HEARING: See tape, minutes & file.



**COPY**

**DECISION STANDARDS**

- A. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING A USE OF LAND OR PROPERTY WHICH WOULD VIOLATE STATE LAWS OR ADMINISTRATIVE RULES: \_\_\_\_\_
- B. SUBJECT TO THE ABOVE LIMITATIONS, AREA VARIANCES MAY BE GRANTED WHERE STRICT COMPLIANCE WITH THE ZONING ORDINANCE RESULTS IN AN UNNECESSARY HARDSHIP WHICH WOULD UNREASONABLY PREVENT THE PETITIONER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE, OR WOULD RENDER CONFORMITY WITH THE ZONING ORDINANCE UNNECESSARILY BURDENSOME, AND WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED; SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, AND THE PUBLIC INTEREST NOT VIOLATED.
- C. SUBJECT TO THE ABOVE LIMITATIONS, USE VARIANCES MAY BE GRANTED WHERE STRICT COMPLIANCE WITH THE ZONING ORDINANCE WOULD LEAVE THE PROPERTY OWNER WITH NO REASONABLE USE OF THE PROPERTY IN THE ABSENCE OF A VARIANCE AND WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, AND THE PUBLIC INTEREST NOT VIOLATED.

BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:

4. UNNECESSARY HARDSHIP **IS NOT** PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE **WOULD NOT** UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME (AREA VARIANCE) OR STRICT COMPLIANCE WITH THE ZONING ORDINANCE WOULD LEAVE THE PROPERTY OWNER WITH NO REASONABLE USE OF THE PROPERTY (USE VARIANCE) BECAUSE \_\_\_\_\_
5. THE HARDSHIP OR NO REASONABLE USE **IS NOT** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE \_\_\_\_\_  
This is a personal request – there is no physical hardship or any limitation of the property.
6. THE VARIANCE **WILL/WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE \_\_\_\_\_

**\*A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET\***

**DECISION: THE REQUESTED VARIANCE IS **DENIED**.**

**MOTION:** Hoelt                      **SECOND:** Jaeckel                      **VOTE:** 3-0 (voice vote)

**CONDITIONS OF APPROVAL/DENIAL:**

**SIGNED:** Dale Hoelt                      (Jm)                      **DATE:** 09-09-2021  
CHAIRPERSON

**BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDING IS AVAILABLE UPON REQUEST.**



DECISION OF THE ZONING BOARD OF ADJUSTMENT  
JEFFERSON COUNTY, WISCONSIN

**COPY**

**FINDINGS OF FACT**

PETITION NO.: 2021 V1688  
HEARING DATE: 09-09-2021

APPLICANT: Mike Duffeck

PROPERTY OWNER: Michael & Kristin Duffeck

PARCEL (PIN) #: 024-0516-3311-024 (W1398 S Shore Drive)

TOWNSHIP: Town of Palmyra

INTENT OF PETITIONER: Construct a deck at 4' from side lot line/ROW

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.09(e) OF THE  
JEFFERSON COUNTY ZONING ORDINANCE.

THE FEATURES OF THE PROPOSED CONSTRUCTION AND PROPERTY WHICH RELATE TO  
THE GRANT OR DENIAL OF THE VARIANCE APPLICATION ARE:

-2021 Zoning Permit #64401 issued 6/10/2020 for a house addition/remodel

-deck addition was not included with permit

-Substandard lot setbacks

-25' from ROW

-5' from side property line

-10' from second street yard (east property line is a road)

-75' from OHWM

-Proposal meets 75' setback from OHWM, request is to reduce the second road setback to 4'

-Town approved variance request

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Site inspections  
conducted. Observed property layout & location.

FACTS PRESENTED AT PUBLIC HEARING: See tape, minutes & file.

**COPY**

**DECISION STANDARDS**

- A. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING A USE OF LAND OR PROPERTY WHICH WOULD VIOLATE STATE LAWS OR ADMINISTRATIVE RULES: \_\_\_\_\_
- B. SUBJECT TO THE ABOVE LIMITATIONS, AREA VARIANCES MAY BE GRANTED WHERE STRICT COMPLIANCE WITH THE ZONING ORDINANCE RESULTS IN AN UNNECESSARY HARDSHIP WHICH WOULD UNREASONABLY PREVENT THE PETITIONER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE, OR WOULD RENDER CONFORMITY WITH THE ZONING ORDINANCE UNNECESSARILY BURDENSOME, AND WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, AND THE PUBLIC INTEREST NOT VIOLATED.
- C. SUBJECT TO THE ABOVE LIMITATIONS, USE VARIANCES MAY BE GRANTED WHERE STRICT COMPLIANCE WITH THE ZONING ORDINANCE WOULD LEAVE THE PROPERTY OWNER WITH NO REASONABLE USE OF THE PROPERTY IN THE ABSENCE OF A VARIANCE AND WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, AND THE PUBLIC INTEREST NOT VIOLATED.

BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:


7. UNNECESSARY HARDSHIP IS NOT PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE WOULD UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME (AREA VARIANCE) OR STRICT COMPLIANCE WITH THE ZONING ORDINANCE WOULD LEAVE THE PROPERTY OWNER WITH NO REASONABLE USE OF THE PROPERTY (USE VARIANCE) BECAUSE Hoelt: They are looking to come 1' closer to a sort-of road that serves as a driveway which dead ends. Weis: To restrict the side lot line setback for a driveway access would be burdensome. Jaekel: Without the side road, there would be no problem.
8. THE HARDSHIP OR NO REASONABLE USE IS DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE Hoelt: The road is where it is. Weis: The access is unique in that it serves as a driveway to two cottages, a lift station, and lake access. Jaekel: Because of the road, there is a physical limitation.
9. THE VARIANCE WILL NOT BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Hoelt: Both the town & lake management district approves. There are no problems for emergency access or access to the sanitary lift station. Weis: The town and sanitary district are in favor as they see no conflict. Jaekel: The town and lake association approved. There is limited use of the road.

**\*A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET\***

**DECISION: THE REQUESTED VARIANCE IS GRANTED.**

**MOTION: Hoelt SECOND: Jaekel VOTE: 3-0 (voice vote)**

**CONDITIONS OF APPROVAL/DENIAL:**

**SIGNED:**  (Lm) **DATE:** 09-09-2021  
**CHAIRPERSON**

**BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDING IS AVAILABLE UPON REQUEST.**

DECISION OF THE ZONING BOARD OF ADJUSTMENT  
JEFFERSON COUNTY, WISCONSIN

**COPY**

**FINDINGS OF FACT**

PETITION NO.: 2021 V1689  
HEARING DATE: 09-09-2021

APPLICANT: Chris & Kris Falk

PROPERTY OWNER: Veronica Laak

PARCEL (PIN) #: 026-0616-0841-000 (W1764 Froelich Rd)

TOWNSHIP: Town of Sullivan

INTENT OF PETITIONER: Construct a porch at 63' from the centerline of the road

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.07(d)2 OF THE  
JEFFERSON COUNTY ZONING ORDINANCE.

THE FEATURES OF THE PROPOSED CONSTRUCTION AND PROPERTY WHICH RELATE TO  
THE GRANT OR DENIAL OF THE VARIANCE APPLICATION ARE:

-Zoning Permit #64237 issued 3-26-2021 for an attached garage and home addition

-Existing home is non-conforming because it is approximately 71' to the centerline of road

-Required setback is 85' to the centerline or 50' to the ROW

-Proposal is to be 63' from centerline of the road

-Town approved variance request

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Site inspections  
conducted. Observed property layout & location.

FACTS PRESENTED AT PUBLIC HEARING: See tape, minutes & file.



## DECISION STANDARDS

- BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:**

- \*A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET\***

**SIGNED:**

DATE: 09-09-2021

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DECISION OF THE ZONING BOARD OF ADJUSTMENT  
JEFFERSON COUNTY, WISCONSIN

**COPY**

**FINDINGS OF FACT**

PETITION NO.: 2021 V1690  
HEARING DATE: 09-09-2021

APPLICANT: Heath & Margaret Chapman

PROPERTY OWNER: SAME

PARCEL (PIN) #: 028-0513-1943-009 (W9446 Lake Drive)

TOWNSHIP: Town of Sullivan

INTENT OF PETITIONER: Construct a deck at 48'6" from the centerline of the road

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.07(d)2 OF THE  
JEFFERSON COUNTY ZONING ORDINANCE.

THE FEATURES OF THE PROPOSED CONSTRUCTION AND PROPERTY WHICH RELATE TO  
THE GRANT OR DENIAL OF THE VARIANCE APPLICATION ARE:

-Required setbacks

-63' from centerline and 30' from ROW

-Request to meet ROW setback and be 48' 6" to centerline

-No permit on file for the house

-Located in Glenn Oaks Beach Subdivision which was platted in the early 1900's

-Town approved of variance request

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Site inspections  
conducted. Observed property layout & location.

FACTS PRESENTED AT PUBLIC HEARING: See tape, minutes & file.



COPY

DECISION STANDARDS

- A. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING A USE OF LAND OR PROPERTY WHICH WOULD VIOLATE STATE LAWS OR ADMINISTRATIVE RULES: \_\_\_\_\_
- B. SUBJECT TO THE ABOVE LIMITATIONS, AREA VARIANCES MAY BE GRANTED WHERE STRICT COMPLIANCE WITH THE ZONING ORDINANCE RESULTS IN AN UNNECESSARY HARDSHIP WHICH WOULD UNREASONABLY PREVENT THE PETITIONER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE, OR WOULD RENDER CONFORMITY WITH THE ZONING ORDINANCE UNNECESSARILY BURDENSOME, AND WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, AND THE PUBLIC INTEREST NOT VIOLATED.
- C. SUBJECT TO THE ABOVE LIMITATIONS, USE VARIANCES MAY BE GRANTED WHERE STRICT COMPLIANCE WITH THE ZONING ORDINANCE WOULD LEAVE THE PROPERTY OWNER WITH NO REASONABLE USE OF THE PROPERTY IN THE ABSENCE OF A VARIANCE AND WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, AND THE PUBLIC INTEREST NOT VIOLATED.

BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:

14. UNNECESSARY HARDSHIP **IS** PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE **WOULD** UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME (AREA VARIANCE) OR STRICT COMPLIANCE WITH THE ZONING ORDINANCE WOULD LEAVE THE PROPERTY OWNER WITH NO REASONABLE USE OF THE PROPERTY (USE VARIANCE) BECAUSE Weis: Not having appropriate access to the front of the house would be a hardship. Hoeft: The main entrance to the house is 4' from the ground. This will replace the steps and make the entrance easier for emergency access. Jaeckel: It would make it a much safer access for all seasons.
15. THE HARDSHIP OR NO REASONABLE USE **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE Weis: The height of the first floor of the house is approximately 4' above grade which requires this structure. Hoeft: The road is where it is. Jaeckel: The road is where it is. The original owners did not plan for a descent entryway.
16. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE Weis: There is no affect on public safety. Hoeft: The neighbors and the town are OK with the request. Jaeckel: The neighbors and the town are OK with the request.

\*A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET\*

DECISION: THE REQUESTED VARIANCE IS **GRANTED**.

MOTION: Jaeckel                      SECOND: Weis                      VOTE: 3-0 (voice vote)

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: Dale Weis (Sm)                      DATE: 09-09-2021  
CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDING IS AVAILABLE UPON REQUEST.